

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**MICHAEL FLOYD,**

**Defendant.**

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**8:98CR187**

**ORDER**

Defendant Michael Floyd (Floyd) appeared before the court on May 2, 2005, on a Petition For Warrant or Summon for Offender Under Supervision (Report) (Filing No. 54). Floyd was represented by Assistant Federal Public Defender Karen M. Shanahan and the United States was represented by Assistant U.S. Attorney Michael P. Norris. Through his counsel, Floyd waived his right to a probable cause hearing on the Report pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Report alleges probable cause, and Floyd should be held to answer for a final dispositional hearing before Senior Judge Lyle E. Strom.

The government moved for detention. Floyd requested to be released on conditions pending the dispositional hearing before Senior Judge Strom. The court took judicial notice of the Report and the Pretrial Services report in *United States v. Michael Floyd*, 8:05CR143 (D. Nebr.). Floyd presented no additional evidence. Since it is Floyd's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Floyd has failed to carry his burden and that Floyd should be detained pending a dispositional hearing before Senior Judge Lyle E. Strom.

**IT IS ORDERED:**

1. A final dispositional hearing will be held before Senior Judge Lyle E. Strom, in Courtroom No. 5, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 10:00 a.m. on May 20, 2005**. Defendant must be present in person.

2 Defendant Michael Floyd is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 3rd day of May, 2005.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge